

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Before the Court is pro se Plaintiff Frank Walker's ("Plaintiff") "Motion for 30 days extension and entry [sic] plaintiffs telephoned requested defendant that attached evidence must appear in court records Civil P. 29 (3)." *See* ECF No. 14 ("Mot."). The Commissioner of Social Security ("Defendant") filed a response. ECF No. 15 ("Response"). Plaintiff filed a "Reply to Defendant oppose to make correction of records." ECF No. 16 ("Reply"). On March 18, Plaintiff also submitted an "Affidavit in support of supplemental complaint and motion for more definitive statements to correct records by Defendants" and an amended version thereof. ECF Nos. 18, 20 ("Affidavit").

Defendant's consent to proceed before a Magistrate Judge in this case, Plaintiff needs a thirty day extension of time to file a motion for summary judgment. *See* Reply at 3 ¶ 3 ("I hereby testify never receive a copy of Commissioner's Consent to proceed before a magistrate judge"); ¶ 18 ("I request in the Court own-Motion for longer time of 30 days to resolve and prepared my complete Statements and pleading within Supplemental Jurisdiction."); *see also* Mot. at 1 ¶¶ 3, 13. Pursuant to Local Rule 16-5, Plaintiff's motion would be due within 28 days of service of the Defendant's answer. Defendant filed an answer on February 18, 2014. ECF No. 13. To the extent Plaintiff requests an extension of time, his request is granted and his motion for summary judgment is now due on April 19, 2014.

With respect to Plaintiff's claim that a "correction of records" be made so that he receives a copy of Defendant's consent to proceed before a magistrate judge, Defendant states in its response that it will "serve a copy of that consent along with the service copy of this response." Response at 1. Thus, Plaintiffs' request is moot.

Plaintiff also requests that the Court take judicial notice of various exhibits attached to his motion and affidavit. Mot. at 2 ¶ 8; Reply at 2 ¶ 10; Affidavit at ¶¶ 11, 13, 22. The Court refrains from ruling on these requests at this time, and will consider these requests when ruling on the parties' dispositive motions in this case.

Finally, Plaintiff also claims he presents the Affidavit in support of a "Motion for more definitive Statements Oral Hearing." Affidavit at ¶ 6. Plaintiff has not filed any motion for a more definitive statement of a responsive pleading or filing by Defendant, nor is there any hearing scheduled at this time in this case. Thus, the Court denies Plaintiff's request.

Plaintiff is hereby ordered to file a consent or declination to proceed before a Magistrate Judge by 3/31/2014. Also, Plaintiff is ordered to contact a Federal Legal Assistance Help ("FLASH") Center by 3/27/2014. The information for the San Jose FLASH Center is:

United States Courthouse
280 South 1st Street
2nd Floor, Room 2070
San Jose, CA 95113
Phone: 408-297-1480

United States District Court
For the Northern District of California

IT IS SO ORDERED.

Dated: March 20, 2014


LUCY H. KOH
United States District Judge